

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**RICHARD D. MCKEAN,**

**Plaintiff,**

**v.**

**CIV-09-1129 WJ/LAM**

**SALLY HERNANDEZ, et al.,**

**Defendants.**

**ORDER GRANTING MOTION FOR EXTENSION OF TIME FOR DISCOVERY**

**THIS MATTER** is before the Court on Plaintiff's *Motion for Extension of Time for Discovery* (Doc. 72), filed November 16, 2011. Defendants filed their response December 1, 2011. [Doc. 78]. No reply has been filed and the time for doing so has passed. Having considered the motion, response, record of the case, and relevant law, the Court **FINDS** that Plaintiff's motion for extension of the discovery deadline is well-taken and shall be **GRANTED**.

In his motion, Plaintiff asks the Court to extend the discovery period so he can copy certain documents he has subpoenaed from the Motor Vehicle Division (hereinafter "MVD"). Defendants oppose the motion because they oppose the production of those documents. First, Defendants have not shown that they have standing to oppose the subpoena served on the MVD. *See Public Service Co. of Okla. v. A Plus, Inc.*, No. CIV-10-651-D, 2011 WL 691204 at\*2 (W.D. Okla, Feb. 16, 2011) (unpublished) (explaining that "the general rule is that only the person to whom the subpoena is directed has standing to object to its issuance," unless "the challenging party asserts a personal right or privilege with respect to the materials subpoenaed") (citations omitted). Defendants make no claim of a personal right or privilege with respect to the documents at issue. In addition, the Court has denied the MVD's motion to quash Plaintiff's subpoena and has ordered that the MVD make

the documents available to Plaintiff for copying within fourteen days. [Doc. 88]. That Order, therefore, makes Defendant's opposition to this motion on the grounds that the documents should not be produced, moot. Because the Court has ordered the MVD to allow Plaintiff to copy the requested documents within fourteen days, the Court will grant Plaintiff's motion to extend the discovery deadline to accommodate that time period.

**IT IS THEREFORE ORDERED** that Plaintiff's *Motion for Extension of Time for Discovery* (Doc. 72) is **GRANTED** and the discovery period is extended by **fourteen (14) days** from entry of the *Order Denying in Part Motion to Quash Subpoena* (Doc. 88) to allow Plaintiff to copy the documents which the Court has ordered the MVD to make available for Plaintiff.

**IT IS SO ORDERED.**

  
**LOURDES A. MARTÍNEZ**  
**UNITED STATES MAGISTRATE JUDGE**